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RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs Dephlia Davis, Rhea Davis and Jesse Gaynor

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

BZ

DEPHLIA DAVIS, RHEA DAVIS AND
JESSE GAYNOR,

Plaintiffs,

v.

ACTAVIS GROUP, hf; ACTAVIS TOTOWA,
LLC; MYLAN, INC.; MYLAN
PHARMACEUTICALS, INC.; and UDL
LABORATORIES, INC.,

Defendants.

CV 08
CASE NO.

3173

**NOTICE OF PENDENCY OF OTHER
ACTIONS OR PROCEEDINGS**

Pursuant to Local Rule 3-13, Plaintiffs Dephlia Davis, Rhea Davis and Jesse Gaynor submit that the above-captioned case is related to the following cases:

1. Elwood Bull, et al. v. Actavis Group hf, et al., Case No. 2:08-396 (U.S. District Court for the Middle District of Florida), filed on May 14, 2008.
2. Ruby I. Thrasher v. Actavis Group hf, et al., Case No. 2:08-3167 (U.S. District Court for the Eastern District of Louisiana), filed on May 5, 2008.
3. Robert M. Becnel, et al. v. Actavis Group hf, et al., Case No. 2:08-3431 (U.S. District Court for the Eastern District of Louisiana), filed on May 15, 2008.
4. Bobby White v. Actavis Totowa, LLC, et al., Case No. 4:08-320 (U.S. District Court for the Western District of Missouri), filed on May 2, 2008.
5. Kevin Clark, et al. v. Actavis Group hf, et al., Case No. 2:08-2293 (U.S. District Court for the District of New Jersey), filed on May 9, 2008.
6. Joseph J. Novak v. Mylan Pharmaceuticals, Inc., et al., Case No. 1:08-1119 (U.S. District Court for the Northern District of Ohio), filed on May 2, 2008.
7. Lonette Stanley v. Actavis Group hf, et al., Case No. 2:08-1321 (U.S. District Court for the Northern District of Ohio), filed on May 30, 2008.
8. James Heinzman v. Actavis Group hf, et al., Case No. 2:08-480 (U.S. District Court for the Southern District of Ohio), filed on May 19, 2008.

The nature of the relationship between each of the above cases is that: (1) each of the cases assert claims that involve substantially the same defendants; and (2) each of the cases require a determination of the same or substantially the same questions of fact and law and concern the same wrongful acts and occurrences. Specifically, all cases involve allegations regarding Defendants' manufacturing, labeling and marketing practices of the prescription drug Digitek® and Defendants' failure to warn the public of the serious and potentially lethal side effects associated with the ingestion of double strength tablets of Digitek®.

In addition, counsel for Plaintiffs is informed and believes, and thereon alleges, that certain Plaintiffs who commenced an action against Actavis Totowa LLC; Mylan, Inc.; Mylan Pharmaceuticals, Inc.; and UDL Laboratories, Inc. concerning the double strength tablets of

1 Digitek® filed a Motion for Coordination of Pre-Trial Proceedings pursuant to 28 U.S.C. § 1407,
2 seeking pre-trial coordination of all federal court cases alleging wrongful death, personal injury
3 and/or economic loss arising out of the purchase and/or use of the double strength tablets of
4 Digitek®. The motion was filed under the caption: In Re Digitek Products Liability Litigation,
5 MDL No. 1968, and the hearing is set for July 31, 2008, in the Northern District of California, San
6 Francisco Division.

7 Plaintiffs' counsel believes that the Panel will grant the motion, and that when the motion
8 is granted, the underlying action, along with other similar actions, will be transferred to the MDL.

9
10 DATED: July 1, 2008

COTCHETT, PITRE & McCARTHY

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